

JOHN T. AFFELDT (SBN 154430)  
JENNY PEARLMAN (SBN 224879)  
TARA KINI (SBN 239093)  
PUBLIC ADVOCATES, INC.  
131 Steuart Street, Suite 300  
San Francisco, California 94105  
Tel. (415) 431-7430  
Fax (415) 431-1048  
Email: jaffeldt@publicadvocates.org  
jpearlman@publicadvocates.org  
tkini@publicadvocates.org

JEFFREY SIMES (NY SRN 2813533), appearing *pro hac vice*  
GOODWIN PROCTER LLP  
599 Lexington Avenue  
New York, New York 10022  
Tel: (212) 813-8879  
Fax: (212) 355-3333  
Email: jsimes@goodwinprocter.com

Attorneys for PLAINTIFFS  
(Additional attorneys listed on following page)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,

Plaintiffs,

v.

MARGARET SPELLINGS, in her official capacity;  
UNITED STATES DEPARTMENT OF EDUCATION,  
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF JANE DOE IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR SUMMARY JUDGMENT**

Time: 9:00 a.m.

Date: April 23, 2008

1 PATRICK THOMPSON (SBN 160804)  
2 NICOLE E. PERROTON (SBN 233121)  
3 ELIZABETH F. STONE (SBN 239285)  
4 GOODWIN PROCTER LLP  
5 101 California Street # 1850  
6 San Francisco, California 94111  
7 Tel: (415) 733-6000  
8 Fax: (415) 677-9041  
9 Email: pthompson@goodwinprocter.com  
10

11 DAVID B. COOK (DC BN 113522), appearing *pro hac vice*  
12 GOODWIN PROCTER LLP  
13 901 New York Avenue, N.W.  
14 Washington, D.C. 20001  
15 Tel: (202) 346-4000  
16 Fax: (202) 346-4444  
17 Email: dcook@goodwinprocter.com  
18

19 Attorneys for PLAINTIFFS  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION OF JANE DOE**

I, Jane Doe, hereby declare:

1. The matters set forth herein are based upon my own personal knowledge, except where stated to be based upon information and belief, and if called to testify, I could and would do so competently as follows:

2. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

3. I reside in Richmond, California in the County of Contra Costa. I am a plaintiff to this action, *Renee v. Spellings*. I am identified as Jane Doe in this action to protect my identity.

4. I am an 11<sup>th</sup> grade student at Richmond High School in the West Contra Costa Unified School District ("WCCUSD"). The teacher assigned to teach my Biology class this year (2007-2008) is Ms. Lorna McClellan, an intern teacher. A true and correct copy of Ms. McClellan's teaching credential is attached to this declaration as Exhibit 1.

5. Last year, the teacher assigned to teach one of my two English classes was Ms. Jessica Price. Ms. Price was an intern teacher last year. A true and correct copy of the teaching credential Ms. Price held last year is attached to this declaration as Exhibit 2. The class Ms. Price taught me was to prepare me for the English/Language Arts section of the California High School Exit Exam, a test I must pass in order to graduate from high school. I have not yet passed this exam.

6. I would prefer to only be taught by teachers who have been fully certified by the state of California. I do not believe that teachers who are still taking classes to learn how to teach and still working towards their full California teaching credentials should be considered "highly qualified."

7. It is my understanding that Richmond High School has a high percentage of intern teachers. I am concerned that I have a good chance of being assigned an intern teacher who is not "highly qualified" during one of my remaining semesters of high school.

8. As a result of the United States Department of Education regulation that includes within the definition of a "highly qualified" teacher someone who is currently participating in a teacher internship program, it is my understanding that Richmond High School and WCCUSD consider Ms. McClellan

1 “highly qualified” and report her as “highly qualified” when responding to California and NCLB teacher  
2 reporting requirements. It is my understanding that last year my high school and district also considered  
3 Ms. Price “highly qualified” and reported her this way.

4 9. This Department of Education regulation, which I am challenging in this lawsuit, harms me  
5 in five ways. First, the regulation allows Ms. McClellan, my current Biology teacher, to be hired and  
6 assigned to me and mislabeled as “highly qualified.” Second, the regulation allows the continued  
7 concentration of intern teachers, who are not “highly qualified,” at Richmond High School and in the  
8 WCCUSD. Third, the regulation creates a substantial likelihood that I will be taught again by intern  
9 teachers during one of my remaining semesters of high school. Fourth, the regulation deprives me of the  
10 benefit of state and local district plans to meet NCLB’s requirement that all children have full and equal  
11 access to “highly qualified” teachers in their core classes. Fifth, the regulation deprives me of accurate  
12 information about non-“highly qualified” teachers teaching at Richmond High School and within  
13 WCCUSD. In addition, of course, the regulation similarly deprives me of accurate information  
14 regarding non-“highly qualified” teachers in California and across the country too.

15  
16 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and  
17 correct.

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

1 Dated: January 16, 2008

2  
3 \_\_\_\_\_/s/  
4 JANE DOE  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**ATTESTATION OF CONCURRENCE**

Pursuant to General Order No. 45(X)(B), I, the undersigned, hereby certify that I obtained concurrence by telephone and electronic mail from Jane Doe to file her declaration in support of Plaintiffs' Motion for Summary Judgment.

Dated: January 17, 2008

Respectfully submitted,

A handwritten signature in black ink that reads "Tara Kini". The signature is written in a cursive, flowing style. It is positioned above a horizontal line that separates it from the printed name and title below.

JOHN T. AFFELDT  
JENNY PEARLMAN  
TARA KINI  
PUBLIC ADVOCATES, INC.  
Attorneys for Plaintiffs

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT 1**

---

Welcome to California Commission on Teacher Credentialing Online Verification. This site is compatible with assistive technology. Skip to navigation

[California Home](#)

Tuesday, January 15, 2008

[California Teacher  
Credential Look-up and  
Renewal](#)

## California Commission on Teacher Credentialing

  

My CA

[Search for Credential for a  
Public School Teacher](#)

### Selected Credential Held

[Search for a Teacher's  
Application Status and  
Credentials Held](#)

The application status and credential information was last updated on 01/14/2008. Please note: Upon receipt, the California Commission on Teacher Credentialing may take up to 75 working days to process an application. Local employing agencies have the flexibility to assign individuals to serve in subject areas other than those authorized on credentials. The Commission, at one time, issued documents without assigning any document number. Assigning a document number to these records was necessary to be able to display them online. The document numbering assigned to display those records will appear as "NONE1, NONE2, NONE3, etc."

[Renew Credentials](#)[Direct Application  
\(Non-Recommendation Only\)](#)[Track Payment  
\(Renewal Only\)](#)[Track Payment  
\(Recommendation Only\)](#)[Start the IHE Login Page](#)[Start the Student Applicant  
Login](#)[Frequently Asked Questions](#)[Glossary of Credential  
Terms](#)[California Commission on  
Teacher Credentialing Web  
Site](#)[Governor's Home Page](#)[Contact the Commission  
on Teacher Credentialing](#)

### Details of Selected Credential

Name: MCCLELLAN, LORNA KATHLEEN

**Document Title** Internship Single Subject Teaching Credential**Document Number** 060218714**Authorization Code(s)** R1S

This document authorizes the holder to teach the subject area(s) listed above in grades twelve and below, including preschool, and in classes organized primarily for adults.

R142

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; and (2) specially designed content instruction delivered in English in single-subject-matter (departmentalized) courses as authorized on this document. This authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.3.

**Renewal Code(s)** R17

This internship credential may not be renewed. To continue to serve in a position authorized by this credential, the holder must receive a formal recommendation from the supervising college or university for the preliminary or clear credential which authorizes this service.

**Issuance Date** 08/15/2006**Expiration Date** 09/01/2008**Authorized Subject(s)** Science: Biological Sciences (Examination)**Employment Restriction(s)** WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT[< Return to Summary](#)[New Search](#)[Top of Page](#)

[Conditions of Use](#) | [Privacy Policy](#) | [E-mail Webmaster](#)  
© 2002 State of California. Arnold Schwarzenegger, Governor.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT 2**

---

Welcome to California Commission on Teacher Credentialing Online Verification. This site is compatible with assistive technology. Skip to navigation

[California Home](#)

Tuesday, January 15, 2008Friday, January 11, 2008



[California Teacher  
Credential Look-up and  
Renewal](#)

[Search for Credential for a  
Public School Teacher](#)

[Search for a Teacher's  
Application Status and  
Credentials Held](#)

[Renew Credentials](#)

[Direct Application  
\(Non-Recommendation Only\)](#)

[Track Payment  
\(Renewal Only\)](#)

[Track Payment  
\(Recommendation Only\)](#)

[Start the IHE Login Page](#)

[Start the Student Applicant  
Login](#)

[Frequently Asked Questions](#)

[Glossary of Credential  
Terms](#)

[California Commission on  
Teacher Credentialing Web  
Site](#)

[Governor's Home Page](#)

[Contact the Commission  
on Teacher Credentialing](#)

## California Commission on Teacher Credentialing

 

My CA

### Selected Credential Held

The application status and credential information was last updated on 01/11/2008. Please note: Upon receipt, the California Commission on Teacher Credentialing may take up to 75 working days to process an application. Local employing agencies have the flexibility to assign individuals to serve in subject areas other than those authorized on credentials. The Commission, at one time, issued documents without assigning any document number. Assigning a document number to these records was necessary to be able to display them online. The document numbering assigned to display those records will appear as "NONE1, NONE2, NONE3, etc."

### Details of Selected Credential

**Name:** PRICE, JESSICA MARIE

**Document Title** Internship Single Subject Teaching Credential

**Document Number** 060212198

**Authorization Code(s)** R1S

This document authorizes the holder to teach the subject area(s) listed above in grades twelve and below, including preschool, and in classes organized primarily for adults.

R142

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; and (2) specially designed content instruction delivered in English in single-subject-matter (departmentalized) courses as authorized on this document. This authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.3.

**Renewal Code(s)** R17

This internship credential may not be renewed. To continue to serve in a position authorized by this credential, the holder must receive a formal recommendation from the supervising college or university for the preliminary or clear credential which authorizes this service.

**Issuance Date** 08/23/2006

**Expiration Date** 09/01/2008

**Authorized Subject(s)** English (Examination)

**Employment Restriction(s)** WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

[< Return to Summary](#)

[< Return to Summary](#)

[New Search](#)

[Top of Page](#)

[Conditions of Use](#) | [Privacy Policy](#) | [E-mail Webmaster](#)  
© 2002 State of California. Arnold Schwarzenegger, Governor.